



Attorney Docket No. 100647/3016

1754

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: May, et al. Group Art Unit: 1754
Serial No.: 09/783,173 Examiner: Hendrikson, S.
Filed: February 14, 2001
For: **METHOD AND CATALYSTS FOR THE
MANUFACTURE OF CARBON FIBRILS**

#3/UB
2/21/02



RECEIVED
FEB 20 2002
TC 1700

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action of December 28, 2001, Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-21, 24-27, 30-32, 35-39, 42-44 and 47-51, drawn to a catalyst and method of making, classified in class 502, subclass 355+.

II. Claims 22, 23, 28, 29, 33, 34, 40, 41, 45, 46 and 52-71, drawn to a fibril containing material and methods of making, classified in class 423, subclass 447.2+.

Applicants provisionally elect, with traverse, the Group I claims, namely Claims 1-21, 24-27, 30-32, 35-39, 42-44 and 47-51 drawn to a catalyst and method of making, for prosecution on the merits.

Applicants further submit, as part of Applicants' election between the two Groups proffered by the Examiner, that claims 62-67, which are directed to a catalyst, should be elected and placed with the claims in Group I and not Group II.

It is respectfully requested that the restriction requirement be favorably reconsidered and withdrawn. In view of the fact that the present claims are all related to the same subject matter, it is submitted that a search of the prior art when examining the elected claims of Group I would, at the same time, result in a search of the prior art when examining the remaining claims of Group II. It would seem, then, that to require the filing of a separate divisional application directed to the Group II claims would result in the very same search being repeated, but at a later date. It is submitted that this duplicate search would be quite inefficient to the operation of the Patent and Trademark Office.

Therefore, since a single search can be performed for all Groups of claims without any significant burden on the Patent Office, it is respectfully requested that the restriction requirement be withdrawn.

The Examiner is invited to telephone the undersigned regarding this Response or about any other issue.

The one month time for filing a Response is January 28, 2002. Hence, this Response is timely filed and an early and favorable action on the merits is earnestly solicited.

Dated: January 11, 2002

Respectfully submitted,



Barry Evans
Reg. No. 22,802
Albert B. Chen
Reg. No. 41,667
Attorney for Applicant
KRAMER LEVIN NAFTALIS & FRANKEL LLP
919 Third Avenue
New York, New York 10022
(212) 715-9100 Tel
(212) 715 8000 Fax